IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 6TH DECEMBER 2007 / 15TH AGRAHAYANA 1929

WP(C).No. 31878 of 2005(T)

PETITIONER:

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1. UMADEVI.M, SECRETARY, ANICADU SERVICE CO-OPERATIVE BANK LTD. NO.113, ANICADU, MALLAPPALLY, PATHANAMTHITTA.

2. ANNIE ISSAC, CHIEF ACCCOUNTANT, ANICADU SERVICE CO-OPERATIVE BANK LTD, NO.113, ANICADU, MALLAPPALLY, PATHANAMTHITTA DISTRICT.

3. ALEYAMMA PHILIP, ACCOUNTANT, ANIVADU SERVICE CO-OPERATIVE BANK LIMTED NO.113, ANICADU, MALLAPPALLY, PATHANAMTHITTA DISTRICT.

4. EAPEN MANI, BRANCH MANAGER, ANICADU SERVICE CO-OPERATIVE BANK LIMITED NO.113, ANICADU, MALLAPPALLY, PATHANAMTHITTA DISTRICT.

5. LIZZAMMA C.K., BRANCH MANAGER, ANICADU SERVICE CO-OPERATIVE BANK LTD, NO.113 ANICADU, MALLAPPALLY, PATHANAMTHITTA DISTRICT.

6. LEELAMANIYAMMA P.G., ACCOUNTANT, ANICCADU SERVICCE CO-OPERATIVE BANK LIMITED NO.113, ANICADU, MALLAPPALY, PATHANAMTHITTA DISTRICT.

7. SYMALAKUMARIAMMA.V.S., ACCOUNTANT. ANICADU SERVICE CO-OPERATIVE BANK LIMITED NO.113, ANICADU, MALLAPPALLY, PATHANAMTHITTA DISTRICT.

8. T.M.MATHAIKUTTY, SENIOR CLERK, ANICADU SERVICE CO-OPERATIVE BANK LIMITED, NO.113, ANICADU, MALLAPPALLY, PATHANAMTHITTA.

9. GEORGE V.M., SENIOR CLERK, ANICADU SERVICE CO-OPERATIVE BANK LTD, NO.113, ANICADU, MALLAPPALLY, PATHANAMTHITTA DISTRICT.

10. RAJAN N.K., JUNIOR CLERK, ANICADU
SERVICE CO-OPERATIVE BANK LTD. NO.113,
ANICADU, MALLAPPALLY, PATHANAMTHITTA DISTRICT.

11. MURALLEDHRAN NAIR T.R, JUNIOR CLERK, ANI
CADU SERVICCE CO-OPERATIVE BANK LTD. NO.113,
ANICADU, MALLAPPALLY, PATHANAMTHITTA DISTRICT.

12. SUKUMARA PILLAI.M.N, ATTENDER, ANICADU
SERVICE CO-OPERATIVE BANK LIMITED. NO.113,
ANICADU, MALLAPPALLY, PATHANAMTHITTA DISTRICT.

13. SASIDHARAN PILLAI.K.K, ATTENDER, ANICADU
SERVICE CO-OPERATIVE BANK LTD, NO.113, ANICADU,
MALLAPPALLY, PATHANAMTHITTA DISTRICT.

14. SABU ALEX, ATTENDER, ANICCADU SERVICE
CO-OPERATIVE BANK LIMITED NO.113, ANICADU,
MALLAPPALLY, PATHANAMTHITTA DISTRICT.

15. MOHAN DAS T.B., ATTENDER, ANICADU
SERVICE CO-OPERATIVE BANK LTD. NO.113, ANICADU,
MALLAPPALLY, PATHANAMTHITTA DISTRICT.

16. MANOJ.C.P., ATTENDER, ANICADU SERVICE
CO-OPERATIVE BANK LTD, NO.113, ANICADU,
MALLAPPALLY, PATHANAMTHITTA DISTRICT.

17. MOHAN.T.J, ATTENDER, ANICADU SERVICCE
CO-OPERATIVE BANK LTD. NO.113, ANICADU,
MALLAPPALLY, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.K.SASIKUMAR

RESPONDENTS:
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1. STATE OF KERALA REPRESETNED BY THE
SECRETARY TO GOVERNMENT, CO-OPERATION
DEPARTMENT, SECRETRIATE, THIRUVANANTHAPURAM.

2. JOINT REGISTRAR OC C0-OPERATIVE
SOCIETIES, PATHANAMTHITTA.

3. ASSISTANT REGISTRAR OC CO-OPERATIVE
SOCEITIES (GENERAL),
MALLAPPALLY, PATHANAMTHITTA DISTRICT.

4. REGGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM.

5. MANAGING COMMITTEE OF ANICADU SERVICE
CO-OPERATIVE BANK LTD. NO.113, ANICADU,
MALLAPPALLY, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.P.N.MOHANAN FOR R5
GOVERNMENT PLEADER SRI.P.K.RAVIKRISHNAN FOR R1 TO R4

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/12/2007, ALONG WITH WPC NO. 8172 OF 2006 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO. 31878/05

APPENDIX

PETITIONER'S EXHIBITS:-

P1: True copy of the order No.CRP 7287/85 dated 29-3-1985 passed by the Joint Registrar of Co-operative Societies, Pathanamthitta.
P2: True copy of the GO(P) 89/98/co-op. Dated 3-4-1998.
P3: True copy of the GO(P) 47/2000/Co-op dated 22-3-2000.
P4: True copy of the pay fixation form dated 23-5-2000 with the sanction of the Assistant Registrar (General), Mallappally on the same.
P5: True copy of the circular 16/2001 dated 30-3-2001.
P6: True copy of the Audit certificate dated 31-5-2001 for the year 1998-99 of the Society.
P7: True copy of the audit certificate dated 30-11-2001 for the year 1999-2000.
P8: True copy of the order No.M.19/02 dated 14-1-2003 of the Assistant Registrar (General), Mallappally.
P9: True copy of the reply dated 10-2-2003 submitted by the President of the Society to the Assistant Registrar.
P10: True copy of the resolution dated 12-7-2003 of the Society.
P11: True copy of the letter dated 16-8-2003 of the Assistant Registrar to the President of the Society.
P12: True copy of the judgment dated 7-11-2993 in WPCnO.27912/2003
P13: True copy of the order No.CRP (2) 1368/2003 dated 24-5-2003 issued by the Joint Registrar of Co-operative Societies, Pathanamthitta.
P14: True copy of the judgment dated 2-6-2004 in WPC 16425/2004
P15: True copy of the order dated 4-9-2004 in this appeal.
P16: True copy of the judgment dated 15-9-2004 in W.P.C 27031/2004
P17: True copy of the G.O.(Rt) 597/2005/Co-op. Dated 18-10-2005 issued by the 1st respodnent.
P18: True copy of the circular No.26/2001 dated 5-7-2001 issued by the Registrar.
P19: True copy of the proceedings No.EM(2) 16618/2003 dated 10-1-2005 of the Registrar of Co-operative Societies, Kerala.

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).Nos.31878/2005-T & 8172/2006-W

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Dated this the 6th day of December, 2007.

JUDGMENT

These writ petitions are by employees of a co-operative bank, which is the first respondent in WP(C).No.8172/2006. The employees claim that the Bank has satisfied all the conditions to be categorised as Class-I. But the Bank asserts that it is a Class-III bank and the approval of the competent authority has been given for such classification. Accordingly, these writ petitions are disposed of directing that the finalisation of any dues to the petitioners as service benefits will be made on the basis that the bank is a Class-III bank and outstandings shall be released at the earliest, at any rate, within an outer limit of four months from the date of receipt of a copy of this judgment. Any recovery from the petitioners will be confined to

the actuals over-drawn on the basis of Class-I emoluments.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

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